

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL COVINGTON, # 134537,	)	
Plaintiff,	)	
	)	No. 1:11-cv-1299
-v-	)	
	)	HONORABLE PAUL L. MALONEY
CHARLES DAVIS, ET AL.,	)	
Defendants.	)	
_____	)	

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Plaintiff Michael Covington, a prisoner under the control of the Michigan Department of Corrections and proceeding pro se, filed a complaint under 42 U.S.C. § 1983. The events giving rise to this lawsuit occurred on the night of December 12, 2012, when, after a fire alarm was triggered, he was kept outside in cold temperatures for 30 to 35 minutes. Covington claims these conditions caused him to suffer a heart attack. Covington asserts this violated his constitutional rights under the Eighth Amendment.

Defendant Davis filed a motion to dismiss (ECF No. 13) and Defendant Fisher filed a motion for summary judgment (ECF No. 21). The magistrate judge reviewed the record and issued a report recommending the motions be granted and the claims dismissed. (ECF No. 37.) A district court judge reviews de novo the portions of the R&R to which objections have been filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Only those objections that are specific are entitled to a de novo review under the statute. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (per curiam) (holding the district court need not provide de novo review where the objections are frivolous, conclusive or too general because the burden is on the parties to “pinpoint those portions of the magistrate’s report that the district court must specifically consider”).

Covington’s objections merely restate his claims in general terms. Covington does not

address any of the reasoning or specific conclusions contained in the report and recommendation. Covington has not established any genuine issue of material fact regarding Defendant Fisher's motion for summary judgment. Having reviewed the record to the extent necessary given Covington's limited objections, the Court finds the findings of fact in the report and recommendation supported by the record. The Court also finds the conclusions of law sound and the recommended disposition of the motions persuasive.

Therefore, the Report and Recommendation (ECF No. 37) is **ADOPTED** over objections, as the opinion of this Court. Defendant Davis's motion to dismiss (ECF No. 13) is **GRANTED**. Defendant Fisher's motion for summary judgment is also **GRANTED**. Covington's claims against these two Defendants are **DISMISSED WITH PREJUDICE. IT IS SO ORDERED.**

Date: March 27, 2013

/s/ Paul L. Maloney  
Paul L. Maloney  
Chief United States District Judge